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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/587,332	07/26/2006	Peter Stenlund	3682-63	6633
23117	7590	11/30/2009	EXAMINER	
NIXON & VANDERHYE, PC			WANG, JACK K	
901 NORTH GLEBE ROAD, 11TH FLOOR				
ARLINGTON, VA 22203			ART UNIT	PAPER NUMBER
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			11/30/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/587,332	STENLUND, PETER	
	<b>Examiner</b>	<b>Art Unit</b>	
	JACK WANG	2612	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 01 September 2009.
- 2a) This action is **FINAL**.                  2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-3, 5-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-3 and 5-21 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ .                                    |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ .  | 6) <input type="checkbox"/> Other: _____ .                        |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claim 7 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The transitional term “comprising”, which is synonymous with “including,” “containing,” or “characterized by,” is inclusive or open-ended and does not exclude additional, unrecited elements or method steps. Whereas the transitional phrase “consisting of” excludes any element, step, or ingredient not specified in the claim. See MPEP 2111.03. Applicant only disclosed “the memory consists of a database” [0036 and 0065]. Therefore, the claim limitation of “the memory comprised of database” is not comply with the original specification.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-3, and 5-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vock et al. (Pub # US 2005/0080566 A1), and further in view of Gross (US Patent # 7,266,347 B2).

Consider claim 1, Vock et al. teaches an alarm system intended to trigger an alarm signal upon deviation (exceed some predetermined threshold or value) from at least one environment-dependent references (events) predetermined for a specific environment [0037 lines 1-3], the alarm system comprising: at least one portable unit (alarm monitor) (876, Fig. 55) [0341 lines 19-20] having a size not greater than a mobile telephone intended to be placed in said environment, each portable unit comprising: a sensor system (Abstract lines 1-4) that records a normal state of the environment when placed in the environment, the predetermined environment-dependent reference being comprised of at least the recorded normal state of the environment [0338 lines 8-20] in which the at least one portable unit is placed, the sensor system comprising an accelerometer/silicon crystal [0037 lines 4-7], microphone [0204], temperature sensor [0036 lines 6-8], said accelerometer being triaxial, a processor member connected to the sensor system that compares (to determine) signals received (events) from the sensor system and said predetermined environment-dependent reference (threshold or value) [0037 lines 4-7] and that cause an alarm (876, Fig. 55) to be triggered upon determining an occurrence of a predetermined deviation (exceed some predetermined threshold or value) of the signals received from the sensor system from predetermined environment-dependent reference [0341 lines 20-22], a communication member of a unique identity connected to the processor member [0063 lines 1-4] and adapted for wireless communication upon, for instance, the triggering of an alarm signal, and a positioning member connected to the processor member that

indicates, at least upon the triggering of an alarm signal, the position of said unit [0071 lines 6-10], and a memory member connected to the processor member (within 1620, Fig. 73) via a distributed computer network (1630, Fig. 73), the memory member storing said predetermined storage of said predetermined reference and for dynamic and interactive update and development of different purposes [0041] by maneuvering via fixed and/or mobile telephony and/or radio and/or computer unit [0071 lines 6-10].

Vock et al. does not teach the predetermined environment-dependent reference being at least a recorded image of the normal states of environment.

In the same field of endeavor, Gross teaches predetermined environment-dependent reference being at least a recorded image (voice print) of the normal states of environment [0043 lines 1-8] for the benefit of preventing false alarm.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the predetermined environment-dependent reference being at least a recorded image of the normal states of environment, and each sensor system comprising an accelerometer/silicon crystal, microphone and temperature sensor as shown in Gross, in Vock et al. device for the benefit of preventing false alarm.

Consider claim 2, Vock et al. clearly show and discloses the alarm system, wherein each sensor system furthermore comprises at least one of the following sensors: frequency transmitters, strain gauges, a camera, UV/photocells, electronic noses, anemometers, infrared sensors, gamma transducers, laser sensors, inductive sensors, flow sensors, level transducers, tension gauges and pressure gauges [0195 lines 7-9].

Consider claim 3, Vock et al. clearly show and discloses the alarm system, wherein each positioning member comprised of at least one of the following units: GPS unit, GPRS unit and GSM unit [0305 lines 3-8].

Consider claim 5, Vock et al. clearly show and discloses the alarm system, wherein each portable unit comprises at least one basic module, as well as a protecting cover [0009 lines 12-15].

Consider claim 6, Vock et al. clearly show and discloses the alarm system, wherein the memory member continuously stores of comparisons and/or deviations (events) [0215 lines 1-9].

Consider claim 7, Vock et al. clearly show and discloses the alarm system, wherein the memory member comprised of a database [0317 lines 22-24].

Consider claim 8, Vock et al. teaches a method for triggering an alarm signal by means of an alarm system, comprised of at least one portable unit(alarm monitor) (876, Fig. 55) [0341 lines 19-20] having a size not greater than a mobile telephone and intended to be placed in an environment, each portable unit comprising a sensor system (Abstract lines 1-4) that records a sound/vibration of the environment while in the environment in which the at least one portable unit is placed while the portable units in the environment [0338 lines 8-20], the sensor system comprising an accelerometer/silicon crystal [0037 lines 4-7], microphone [0204], and temperature sensor [0036 lines 6-8], the accelerometer being triaxial, a processor member connected to the sensor system that compares (determine) signals received (events) from the sensor system and a recorded predetermined environment-dependent reference(threshold or value) [0037 lines 4-7], a communication member of a unique identity connected to the processor member [0063 lines 1-4] and adapted for wireless communication upon, for instance,

the triggering of an alarm signal, and a positioning member connected to the processor member and adapted to indicate, at least upon the triggering of an alarm signal, the position of said unit [0071 lines 6-10], a memory member connected to the processor member (within 1620, Fig. 73) via a distributed computer network (1630, Fig. 73), and for dynamic and interactive update and development for different purposes [0041] by maneuvering via fixed and/or mobile telephony and/or radio and/or computer unit [0071 lines 6-10], the method comprising the steps of: by means of the sensor system detecting (date is acquired) different states (events) comprising vibrations, relative position changes, accelerations and temperature [0080 lines 1-6], wherein said accelerations are detected against three axes [0037 lines 4-7]; comparing the signals received from the sensor system and at least one environment-dependent references (events) predetermined (threshold) [0037 lines 4-7] for a specific environment and stored in the memory member (20 Fig. 1); the predetermined environment-dependent reference being at least a sound/vibration recorded normal states of the environment in which the at least one portable unit is placed; upon deviation from said environment-dependent reference/references (events), triggering (exceed) an alarm signal (predetermined threshold) [0193 lines 12-16]; and according to instantaneous control or predetermined configuration, by means of the communication member of a unique identity [0063 lines 1-4], transmitting a message to at least one receiver [0195 lines 1-4]; and according to instantaneous control or predetermined configuration, by means of the positioning member, determining the position of the unit; transmitting the position to the at least one receiver [0241]; and dynamically and interactively updating and developing said memory member [0242 lines 1-3] for different purposes by maneuvering via fixed and/or mobile telephony and/or radio and/or computer unit (Fig. 73).

Vock et al. does not teach the predetermined environment-dependent reference being at least a recorded image of the normal states of environment.

In the same field of endeavor, Gross teaches predetermined environment-dependent reference being at least a recorded image (voice print) of the normal states of environment [0043 lines 1-8] for the benefit of preventing false alarm.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the predetermined environment-dependent reference being at least a recorded image of the normal states of environment as shown in Gross, in Vock et al. method for the benefit of preventing false alarm.

Consider claim 9, Vock et al. clearly show and discloses the method, wherein the detection step comprises: detecting (acquire data) of the different states (events) by means of an accelerometer/silicon crystal [0037 lines 1-7], microphone [0204] and a temperature sensor [0080 lines 1-6].

Consider claim 10, Vock et al. clearly show and discloses the method according, wherein the detection step furthermore comprises: the further detection of different states by means of the following sensors: frequency transmitters, strain gauges, a camera, UV/photocells, electronic noses, anemometers, infrared sensors, gamma transducers, laser sensors, inductive sensors, flow sensors, level transducers, tension gauges and pressure gauges [0195 lines 7-9].

Consider claim 11, Vock et al. clearly show and discloses the method, wherein the positioning step comprises: the determining the position by means of at least one of the following units: GPS unit, GPRS unit and GSM unit [0305 lines 3-8].

Consider claim 12, Vock et al. clearly show and discloses the method, wherein the method furthermore comprises the step of: registering and in the memory member storing the environmental-dependent reference (events) [0215 lines 1-9] which consists of a sound/vibration image specific to each the portable unit [0265 lines 1-4].

Consider claim 13, Vock et al. clearly show and discloses at least one computer software product directly downloadable in the internal memory of at least one digital computer, comprising software code portions for executing the steps when said at least one product is run on said at least one computer [0322 lines 1-5].

Consider claim 14, Vock et al. clearly show and discloses the alarm system, wherein the state comprises at least one of vibrations, relative position changes or accelerations [0265 lines 1-4].

Consider claim 15, Vock et al. clearly show and discloses the alarm system, wherein the predetermined environment-dependent reference is default settings for the portable unit supplemented by the recorded normal state of the environment [0037 lines 1-7].

Consider claim 16, Vock et al. clearly show and discloses the alarm system, wherein the sensor system is comprised of a plurality of different environment-dependent sound/vibration sensors [0036].

Consider claim 17, Vock et al. clearly show and discloses the alarm system, wherein the sensor system is comprised of a plurality of different types of sensors [0062] and wherein an alarm signal is triggered when at least one different types of sensors simultaneously detect deviation from corresponding predetermined environment-dependent references stored in the memory member [0041].

Consider claim 18, Vock et al. teaches the alarm system.

Vock et al. does not teach wherein the recorded image is a sound/vibration image.

In the same field of endeavor, Gross teaches the monitoring device wherein the recorded image is a sound/vibration image (voice print) [0043 lines 1-8] for the benefit of preventing false alarm.

Therefore, it would have been obvious to a person of ordinary skill in the art at time the invention was made to include the recorded image is a sound/vibration image as shown in Gross, in Vock et al. device for the benefit of preventing false alarm.

Consider claim 19, Vock et al. teaches the alarm system.

Vock et al. does not teach wherein the recorded image is a recording of an amplitude of at least one parameter of the normal state of the environment varying over a specified period.

In the same field of endeavor, Gross teaches the recorded image (voice print) is a recording of an amplitude (inherent in the voice print) of at least one parameter (child cry) of the normal state of the environment varying over a specified period [0043 lines 1-8] for the benefit of preventing false alarm.

Therefore, it would have been obvious to a person of ordinary skill in the art at time the invention was made to include the recorded image is a recording of an amplitude of at least one parameter of the normal state of the environment varying over a specified period as shown in Gross, in Vock et al. device for the benefit of preventing false alarm.

Consider claim 20, Vock et al. teaches the alarm system.

Vock et al. does not teach wherein the recorded image is a sound/vibration image only.

In the same field of endeavor, Gross teaches the monitoring device wherein the recorded image is a sound/vibration image (voice print) only [0043 lines 1-8] for the benefit of preventing false alarm.

Therefore, it would have been obvious to a person of ordinary skill in the art at time the invention was made to include the recorded image is a sound/vibration image only as shown in Gross, in Vock et al. device for the benefit of preventing false alarm.

Consider claim 21, Vock et al. teaches the alarm system.

Vock et al. does not teach wherein the recorded image is a recording of an amplitude of at least one parameter of the normal state of the environment varying over a specified period.

In the same field of endeavor, Gross teaches the recorded image (voice print) is a recording of an amplitude (inherent in the voice print) of at least one parameter (child cry) of the normal state of the environment varying over a specified period [0043 lines 1-8] for the benefit of preventing false alarm.

Therefore, it would have been obvious to a person of ordinary skill in the art at time the invention was made to include the recorded image is a recording of an amplitude of at least one parameter of the normal state of the environment varying over a specified period as shown in Gross, in Vock et al. device for the benefit of preventing false alarm.

### ***Response to Arguments***

5. Applicant's arguments, see Remark, filed 9/1/2009, with respect to claim rejections under 35 USC § 112 have been fully considered and are persuasive. The claim rejection of claims 1, 8, 17, 19, and 21 has been withdrawn.

6. Applicant's arguments with respect to claim 9/1/2009 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JACK WANG whose telephone number is (571)272-1938. The examiner can normally be reached on M-F 8:00AM - 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, George Bugg can be reached on 571-272-2998. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/JACK WANG/  
Examiner, Art Unit 2612

/George A Bugg/  
Primary Examiner, Art Unit 2612